

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

PAUL KUSAK,

Plaintiff,

-v-

12-CV-6314G

ORDER

VERIZON WIRELESS,

Defendant.

Plaintiff pro se Paul Kusak was issued a summons on July 2, 2012. By Order entered September 21, 2012, plaintiff was granted 120 days to serve the complaint (Docket # 5). Nothing on the Court's Docket indicates that plaintiff has served the complaint. Pursuant to Rule 41.2 of the Local Rules of Civil Procedure, plaintiff was hereby ordered to show cause in writing before March 12, 2013 why this case should not be dismissed for failure to prosecute. Plaintiff responded to the Order with a list of his grievances against the defendant, but with no response as to why he has not served the complaint within the 120 days provided by the Federal Rules of Civil Procedure (Docket # 6). Plaintiff's action is hereby dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b).

SO ORDERED.

S/ Michael A. Telesca
MICHAEL A. TELESKA
United States District Judge

Dated: April 4, 2013
Rochester, New York